

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53308-2019

Date of Decision: 16.01.2020

Bittu @ Pola

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Prabhjeet Singh Sullar, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.473 dated 10.8.2018, under Sections 399 and 402 IPC and Section 25 Arms Act, 1959, registered at Police Station Safidon, Tehsil Safidon, District Jind. The petitioner is in custody since 10.08.2018.

As per FIR, on 10.8.2018, an information was received to the effect that five young boys armed with weapons, in a Honda City Car, black colour were present inside the Shilla Kheri Stadium, who were planning to commit a crime. It was informed that upon conducting a raid, said persons can be caught on the spot. On the basis of that secret information, police officials prepared a raiding party and after reaching the spot, apprehended all the five accused persons. On search, a .32 bore pistol and five live cartridges were recovered from accused Bittu; one countrymade pistol .32 bore and five live cartridges were recovered from accused Krishan and one pistol 315 bore with one cartridge was recovered from accused Sachin. One

countrymade pistol of .32 bore and five live cartridges were recovered from accused Nishan @ Vicky, one battery of white colour, having written 'Bajaj' on it, was recovered from Sumit @ Manni. All the recovered articles were taken into police possession alongwith the Honda City Car bearing registration No.DL4CR-6205. In this background, the present FIR was registered against the accused persons.

Learned counsel for the petitioner contends that though the petitioner is named in the FIR and one countrymade pistol .32 bore and five live cartridges were recovered from the petitioner, however, as per prosecution, the accused were planning to commit the crime. He further contends that the charges have been framed, however, till date no witness has been examined by the prosecution. It is argued that the co-accused of the petitioner have already been granted regular bail by this Court and therefore, the similar concession of regular bail be extended to the petitioner.

On the other hand, learned State counsel assisted by SI Harikishan has opposed the prayer. However, she does not dispute the fact that after framing of charges, no witness has been examined by prosecution. She also does not dispute the fact that the co-accused have already been released on regular bail by this Court.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further detention may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction

of the trial Court, Jind.

The petition is allowed.

16.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No